

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ERIC FORSYTHE, et al.,

Plaintiffs,

v.

SUN LIFE FINANCIAL, INC., ET AL.,

Defendants.

No. 04-10584-GAO

Consolidated Cases Nos.:

04-10764-GAO

04-11019-GAO

**DEFENDANTS' ASSENTED-TO MOTION FOR AN EXTENSION
OF TIME FOR FILING THEIR OPPOSITION TO PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION**

Defendants hereby request that the Court grant an extension of time within which defendants must file their opposition to plaintiffs' motion for class certification, as set forth below. In support of this Motion, defendants state the following:

1. Plaintiffs filed a Motion for Class Certification on April 14, 2005. Defendants' opposition to this motion currently is due on April 28, 2005.
2. The parties are conferring pursuant to Fed. R. Civ. P. 26(f) on a number of topics related to pre-trial scheduling and discovery. As part of the meet-and-confer process, the parties to date have disagreed on the timing and extent of class certification discovery and briefing prior to the resolution of defendants' recently filed motion to dismiss. The parties will explain their respective positions and proposals on class certification matters (and other pretrial matters) to the Court in a forthcoming Rule 26(f) Joint Statement.
3. The parties agree that they will conduct class certification discovery (if any), and that defendants will respond to plaintiffs' Motion for Class Certification and plaintiffs will file

any Reply, in accordance with whatever schedule the Court orders following submission of the parties' Rule 26(f) Statement.

4. Plaintiffs have assented to this Motion.

WHEREFORE, defendants respectfully request that the Court grant their motion for an extension of time within which defendants must file their opposition to plaintiffs' motion for class certification until such time as the Court orders, following the parties' submission of their Joint Statement pursuant to Rule 26(f).

Respectfully Submitted,

Sun Life Financial, Inc., Massachusetts
Financial Services Co., and MFS Fund
Distributors, Inc.,

By their attorneys,

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April 28, 2005

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)

Counsel for the MFS defendants certifies that she conferred with plaintiffs' counsel in a good faith attempt to resolve or narrow the issues raised in this Motion, and that plaintiffs' counsel assented to the Motion.

/s/ Amanda P. Masselam
Amanda P. Masselam